

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BETTY JOHNSON,

Plaintiff,

vs.

No. CIV 97-0053 JC/LFG

PORTALES MUNICIPAL SCHOOLS  
and JIMMY SHEARER,

Defendants.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER came on for consideration of Plaintiff's Motion to Reconsider, filed September 17, 1997. The Court has reviewed the motion, the memoranda submitted by the parties and the relevant authorities. The Court finds that the motion is not well taken, and will be denied

A motion to reconsider is appropriate where a "court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning, but of apprehension." Huff v. UARCO, Inc., 925 F. Supp. 550, 561 (N.D. Ill. 1996). Another "basis for a motion to reconsider would be a controlling or significant change in the law or facts since the submission of the issue to the Court." Id. A motion to reconsider is not appropriate to re-argue an issue already decided by the Court. See Frederick v. Southeastern Penn. Transp. Auth., 926 F. Supp. 63, 64 (E.D. Pa. 1996).

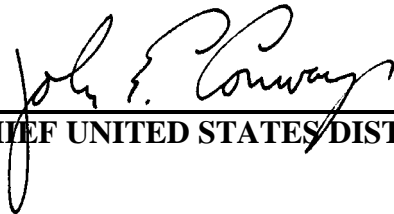
Plaintiff's motion for reconsideration simply reargues the legal issues already decided by this Court on August 20, 1997. Plaintiff's argument is merely that the Court made the wrong decision.

As noted above, a motion to reconsider is not intended to be a vehicle to simply re-argue an issue already decided. Therefore, Plaintiff's Motion to Reconsider will be denied.

Wherefore,

IT IS HEREBY ORDERED that Plaintiff's Motion to Reconsider (Doc. No. 38) be, and hereby is, **denied**.

DATED this 15<sup>th</sup> day of October, 1997.

  
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CHIEF UNITED STATES DISTRICT JUDGE

Counsel for Plaintiff: Daniel R. Lindsey  
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